

Central Region Review



U.S. Army Environmental Center
Central Regional Office
Kansas City, Missouri



★ FEBRUARY 2005 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. Versar, Inc., in support of the Central Regional Environmental Office (CREO), prepares the REVIEW to assist you in your compliance efforts. Current and past issues of the REVIEW, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail CREO.regulatory.specialist@nwk02.usace.army.mil or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the REVIEW.

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CENTRAL REGIONAL ENVIRONMENTAL OFFICE PERSONNEL DIRECTORY

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Assistance in Environmental Regulations Impact. The CREO has, in the past, successfully assisted installations in moderating environmental regulations that impact on current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 983-3449 or Regional Counsel at (816) 983-3448. CREO stands ready to assist you in resolving these types of issues.

AELC Call for Army Environmental Legislative Proposals. The US Army prepares and submits to the Office of the Secretary of Defense (OSD) proposals to address a wide variety of issues, including environmental, for subsequent submittal to OMB and to the Congress. In late 2002, the **Army Environmental Legislative Committee (AELC)** was established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

AELC continuously solicits input for environmental legislative concepts/proposals for the Defense Authorization and Appropriations Bills. AELC then selects environmental concepts that the Army would like to pursue. Technical and legal support is provided to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. Submissions should be coordinated through your chain of command to your organization's AELC point of contact. More information can be obtained from the **US Army Environmental Center at (410) 436-1220**. USAEC serves as secretary and provides staff support to AELC.

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REGION 6 STATE ACTIVITY

Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	http://www.adeq.state.ar.us
Arkansas General Assembly	http://www.arkleg.state.ar.us/
Louisiana Department of Environmental Quality (LDEQ)	http://www.deq.state.la.us
Louisiana Legislature	http://www.legis.state.la.us/
New Mexico Environment Department (NMED)	http://www.nmenv.state.nm.us/
New Mexico Legislature	http://legis.state.nm.us/
Oklahoma Department of Environmental Quality (ODEQ)	http://www.deq.state.ok.us
Oklahoma Legislature	http://www.lsb.state.ok.us/
Texas Commission on Environmental Quality (TCEQ)	http://www.tnrcc.state.tx.us
Texas Legislature	http://www.capitol.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

Note: State of Arkansas legislature will convene from 10 January to 10 March 2005 for regular session.

STATE OF ARKANSAS PROPOSED LEGISLATION

(NEW) **Arkansas H.B. 1068 - Solid Waste.** H.B 1068 gives Illegal Dumps Control Officers the authority to issue citations for littering and illegal dumps. The bill was introduced and referred to the Committee on Public Health, Welfare, and Labor on 11 January 2005. Prospects for consideration are uncertain. The sponsor is in the minority party but sits on the committee to which this bill was referred. The bill can be viewed at <http://www.arkleg.state.ar.us/ftproot/Bills/2005/public/HB1068.pdf>. Sponsor: Shirley Borhauer (R)

STATE OF ARKANSAS PROPOSED RULES

(UPDATE) **AR Department of Environmental Quality Proposed Regulation: Update of Solid Waste Management Regulation (Regulation 22).** The Department has proposed amendments to its solid waste management regulation to update the rule and incorporate legislative changes that have occurred since the rule was last revised in 1995. The changes include new and revised requirements for solid waste disposal facility design and operation, and monitoring and reporting requirements. The changes also include new requirements for composting facilities, transfer stations, and construction and demolition recovery facilities. The proposed changes were discussed at the Commission's 28 January 2005 meeting. Staff anticipates that the regulations will be made final in February or March 2005. A draft of amendments to the regulation is available at http://www.adeq.state.ar.us/regsdrafts/reg22_draft_docket_04-00X-R/reg22_draft_docket_04-00x-R_markup.pdf. For additional information, please call Pat Henry at (501) 682-0588.

CREO Comment: This proposed regulation may have the potential to impact DoD activities and installations in Arkansas. The amendments are being reviewed and a recommended course of action, if any is required, will be summarized in the Central Region Review as a "heads up" to the installations with a request for comments. Any comments should be forwarded to the Army REC at (816) 983-3450.

Note: State of Louisiana legislature will convene from 25 April to 23 June 2005 for regular session.

STATE OF LOUISIANA FINAL RULES

(Effective 20 January 2005) LA Department of Environmental Quality Final Regulation Published 20 January 2005: Amendments to Radiation Protection Regulations (RP037) (LAC 33 XV.102, 113, 325, et al). LDEQ has adopted amendments to the radiation protection regulations. The amendments extend the application period for requesting a grievance hearing. The amendments also correct minor errors and update the regulations to match the most recent federal standards. The regulations are final, effective 20 January 2005. The final rule is available at <http://www.deq.state.la.us/planning/regs/pdf/RP037fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(Effective 7 January 2005) LA Department of Environmental Quality Final Emergency Rule: Alternative Penalty Assessment Mechanism for Penalty Agreements (OS054E3) (LAC 33:I.801, 803, 805, and 807). The Department has re-adopted an emergency rule intended to abate the delay in correcting minor and moderate violations of the Environmental Quality Act. The rule provides an alternative penalty assessment mechanism that LDEQ may use, at its discretion, to expedite penalty agreements in appropriate cases. This rule is part of a pilot program and helps LDEQ gather information to formulate a long-term rule. As part of an expedited penalty agreement, the rule allows the Department to assess pre-determined penalties for specific types of violations and provides a table that sets out such penalties. The total penalty assessed for an expedited penalty agreement cannot exceed \$1,500 for one violation or \$3,000 for two or more violations per penalty assessed. The rule specifies that an expedited penalty agreement can only be used when nine factors for consideration are satisfied. The emergency rule has been extended again, effective 7 January 2005. The emergency rule will remain in effect for a maximum of 120 days or until a permanent rule is promulgated. The most recent version of the rule is available at <http://www.deq.state.la.us/planning/regs/pdf/OS054E3.pdf>. For additional information, please contact Mike D. McDaniel at (504) 342-1201.

(Effective 28 December 2004) LA Department of Environmental Quality Final Emergency Regulations: Emissions Estimation Methodologies (AQ240E1) (LAC 33:III.919). LDEQ has re-adopted an emergency rule revision to clarify requirements set forth in LAC 33:III.919, concerning emission inventory, and LAC 33:III.507.H, concerning annual compliance certifications. On 20 December 2003, LDEQ promulgated final rule AQ220 to clarify and update the requirements for emissions inventory. These changes were made, in part, to correlate LAC 33:III.919 with the recently promulgated Consolidated Emissions Reporting Rule (67 FR 39602-39616, No. 111, 10 June 2002). LAC 33:III.919.C was also modified to clarify that emissions reported in the emissions inventory shall be calculated using the best available information. This emergency rule was published by the Department with an effective date of 24 December 2003. The re-adopted rule is effective 28 December 2004. For additional information, please contact Lynn Willbanks at (225) 765-0399.

STATE OF LOUISIANA PROPOSED RULES

(NEW) LA Department of Environmental Quality Proposed Regulation: Incorporation by Reference of Federal Transportation Conformity Revisions (AQ247) (LAC 33). LDEQ has proposed amendments to its transportation conformity regulations. The amendments update the regulations with the incorporation by reference of recent federal revisions through 20 July 2004. In addition to other changes, the update will add criteria and procedures for the new 8-hour ozone and PM_{2.5} national ambient air quality standards. The Department will also submit the changes as revision to the State Implementation Plan (SIP). Staff reports that LDEQ must submit the SIP revision in July 2005. The Department will hold a public hearing 24 February 2005. Comments are due on that day. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ247pro.pdf>. For additional information, please call Teri Lanoue at (225) 219-3181.

(UPDATE) LA Department Of Environmental Quality Proposed Regulation: Revisions to the Part 70 General Air Permit Template (0410Pot1). LDEQ is proposing a revised template for the Part 70 General Air Operating Permits and is accepting comments on the proposed "Facility-Specific Requirements" section that lists

what regulations might apply to a facility that submits an application for the permit. The public is also invited to comment on the language of specific requirements that might be included in a facility's permit. The Department may not schedule a public hearing for this revision but will hold one if it finds a significant degree of public interest in the revisions evidenced by the submission of written requests for a public hearing. LDEQ accepted comments through 22 November 2004 and is currently reviewing comments. *For additional information, please call Keith Jordan at (225) 219-3004.*

(UPDATE) LA Department Of Environmental Quality Proposed SIP Revision Published 20 August 2004: Revision To Shreveport-Bossier City Early Action Compact Air Quality Improvement Plan (0408Pot1). The Department has proposed a revision to the State Implementation Plan (SIP). The revision is for the Shreveport-Bossier City Metropolitan Statistical Area Early Action Compact Air Quality Improvement Plan. The revision concerns the EPA commitment not to re-designate areas participating in the EAC Program as non-attainment after a designation of attainment. The commitment not to re-designate areas as non-attainment stands even if an area subsequently violates the 8-hour ozone standard during the term of the early action compact. The Shreveport-Bossier City area was designated as attainment for the 8-hour ozone standard on 15 June 2004. Staff reports that this revision was submitted to EPA and that LDEQ is waiting for EPA approval. *For additional information, please call Vivian Aucoin at (225) 219-3575.*

(UPDATE) LA Department Of Environmental Quality Regulations For EPA Review: SIP Revisions - Emissions Inventory And Reporting, And Stage II Vapor Recovery Systems (LAC 33:III, 918, 919, 2132 And 2156). LDEQ is proposing regulations promulgated in 2003 to EPA for inclusion in the SIP. The following amended regulations are being proposed for inclusion: (1) Regulation 918, which was revised to strengthen the language for regulatory purposes and correlate with Regulation 919; (2) Regulation 919, which was revised to follow the requirements of the federal Consolidated Emissions Reporting Rule and to clarify emission inventory requirements; (3) Regulation 2156, which was revised to clarify that owners or operators of fuel dispensing facilities are allowed to continue to use Stage II Vapor Recovery Systems or equivalents that were certified by CARB on or before 31 March 2001; and (4) Regulation 2156, which was revised to correct a reference in the definitions of building enclosures. Staff reports that the SIP revisions were sent to EPA 15 September 2004. Staff reports that the Department still has not received approval for these revisions from EPA. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

(UPDATE) LA Department of Environmental Quality Proposed Regulation: Fees for Major Sources of Volatile Organic Compounds (VOCs) or Nitrogen Oxides (NO_x) -- AQ-238S (33 LAC:III:209). LDEQ has proposed the establishment of methodology for computation of a federally required fee on major sources for the five-parish Baton Rouge severe ozone non-attainment area. The fee will be assessed on major sources that emit 25 tons per year or more of volatile organic compounds (VOCs) or oxides of nitrogen (NO_x) and that are located in the parishes of Ascension, East Baton Rouge, Iberville, Livingston and West Baton Rouge. The Department has re-proposed this rule with substantive changes based upon comments received during the initial comment period. The new proposal no longer exempts emissions units that begin initial operation after the attainment year from the fee requirements. This rule is also being proposed as a revision to the Louisiana SIP. LDEQ has re-proposed this rulemaking with changes. Staff report that this rulemaking expired 11 January 2005 and the rulemaking has been withdrawn. The proposal is available online at http://www.deq.state.la.us/planning/regs/pdf/0405POT1_AQ238S.pdf. *For additional information, please contact Judith Schuerman at (225) 219-3550.*

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) LA Department of Environmental Quality Departmental Discussion: Incorporation by Reference of Federal New Source Performance Standards (LAC 33:III.Chapter 30). LDEQ is discussing revisions to its regulations that govern New Source Performance Standards (NSPS). The revisions incorporate by reference recent revisions to the federal NSPS regulations. Staff reports that the Department will wait until the most recent update is finalized (spring 2005) and then proceed with the rulemaking. *For additional information, please call Teri Lanoue at (225) 219-3181.*

(UPDATE) LA Department of Environmental Quality Advanced Notice Published 20 April 2002: Collection of Data for the Regional Haze Plan. LDEQ has published an advanced notice of collection of data for the Regional Haze Program. Pursuant to the Clean Air Act of 1990, the State must evaluate certain older, large emission units and determine whether these units require the installation of the best emission controls available as part of strategies for meeting the goals of the Regional Haze Program. This requirement, known as the Best Available

Retrofit Technology (BART) requirement, applies to emission units (individually or in combination with other such units) built roughly between 1962 and 1977 that have the potential to emit 250 tons per year or more of any visibility-impairing pollutant and must fall into one of 26 source categories. The applicable pollutants are ammonia, nitrogen oxides (NO_x), particulate matter (PM₁₀), sulfur dioxide (SO₂), and volatile organic compounds (VOCs). The Department will begin a comprehensive query of the Emissions Inventory System (EIS) database to provide preliminary identification of emissions units that are potential BART sources. The Implementation and Control Strategies Workgroup of CENRAP has developed a template SIP for the member states. Staff reports that if LDEQ goes forward with a Regional Haze Plan, it is very likely that the Department would use the workgroup template. Staff reports that the Department is still determining whether Louisiana will be required to formulate a Regional Haze Program because there is only one Class I area in Louisiana and it is unique because it is an island and more information is required to determine whether there are any sources in Louisiana which would contribute to regional haze. Staff reports that sufficient data are still not available to determine whether Louisiana would be required to formulate a Regional Haze Program. Staff reports that the Department is now waiting to see what changes EPA will make to its Regional Haze rules before proceeding. Those changes are due to be finalized in April 2005. LDEQ continues to participate in CENRAP and that the organization is moving forward with modeling but is still not proceeding with regional haze rules at this time. The workgroup SIP template is available at <http://www.cenrap.org/Workgroups/ICS/Documents/SIP%20Templates/CENRAP%20LASIP.p df>. For additional information, please contact James J. Orgeron at (225) 219-3550.

(UPDATE) LA Department of Environmental Quality Final List: 2002 303(d) List of Impaired Waters. The Department has finalized the 2002 Section 303(d) list of impaired waters. Staff reports that LDEQ submitted revisions of and answers to questions for the 2002 and 2004 lists to EPA. EPA will review the submission and issue a public notice of its final decision about whether to approve the lists. EPA has not yet approved the 2002 and 2004 lists. The final results for the 2002 303(d) list and integrated report process can be found in documents under the "Water Quality Assessment" heading on the Department's TMDL website, available at <http://www.deq.state.la.us/technology/tmdl/index.htm>. For additional information, please contact Albert Hindrichs at (225) 219-3590.

(UPDATE) LA Department of Environmental Quality Draft Report: 2004 303(d) List - Update of Volume 5: Water Quality Inventory, of the Louisiana Water Quality Management Plan. The Department has issued a draft 2004 303(d) Integrated Report that updates Volume 5: Water Quality Inventory of the Louisiana Water Quality Management Plan. This report is updated every even-numbered year. The first part of the report is an assessment of all waters in the state while the second part of the report identifies, lists and ranks impaired water bodies that require a Total Maximum Daily Load (TMDL) determination. Staff reports that the Department submitted revisions of and answers to questions for the 2002 and 2004 lists to EPA. The Agency was to review the submission and issue a public notice of its final decision about whether to approve the lists. Staff reports that the EPA has not yet approved the 2002 and 2004 lists. The integrated report and its addenda are available under the Water Quality Assessment heading at <http://www.deq.state.la.us/technology/tmdl/index.htm>. For additional information, please contact Albert Hindrichs at (225) 219-3590.

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NEW MEXICO

Legislative/Regulatory Activity

Note: State of New Mexico legislature will convene from 18 January to 19 March 2005 for regular session.

STATE OF NEW MEXICO PROPOSED RULE

(UPDATE) NM Environment Department Proposed Regulation Published 31 August 2004: Revisions To Title V Permit Regulations (20.2.70). NMED is discussing revisions to its Title V Operating Permit regulations. The revisions clarify the Department's use of air quality modeling analyses in Title V permitting. The revisions also clarify how state ambient air quality standards apply to the permit program. Additionally, the revisions add language that demonstrates how the modeling requirements comply with state and national ambient air quality standards. NMED has postponed several public hearings. The Department now plans to hold a hearing at the Environment Improvement Board's April 2005 meeting. An updated draft of the revisions is available: http://www.nmenv.state.nm.us/aqb/projects/Part_70/Part70proposed.pdf. For additional information, please contact Rita Trujillo at (505) 955-8024.

(UPDATE) **NM Department Of Environment Proposed Regulation Published 21 February 2003: Triennial Review Of Water Quality Standards (20.6.4).** The Department is proposing amending water quality standards to protect designated uses of irrigation, livestock watering and wildlife habitat as required by the Clean Water Act. The standards for sulfate and chloride, among others, are now part of the Triennial Review. Staff reported that the process for this rulemaking continues to move slowly. The Water Quality Commission was scheduled to discuss the proposed rulemaking at a public meeting 11 January 2005. Staff reports that the regulation may become effective in spring 2005. A draft of the review may be found online at http://www.nmenv.state.nm.us/swqb/Standards/Rev_Statemnt_of_Basis_10_1_03.pdf. For additional information, please contact Glen Saums at (505) 827-2827.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **NM Environment Department Water Quality Planning Proposed TMDL: Second Round of TMDLs for the Upper Rio Grande Watershed.** NMED has issued drafts of a second round of Total Maximum Daily Loads (TMDLs) for the Upper Rio Grande watershed. The TMDLs assess particular pollutants found in various waterbodies in the watershed and establish limits on the pollutants. The TMDLs include a turbidity and sedimentation/siltation draft for Embudo Creek, a chronic aluminum draft for Little Tesuque Creek, a turbidity draft for Rio Grande, and a turbidity draft for Rio Santa Barbara. The Department will accept comments on the TMDLs through 10 February 2005. For additional information, please contact Jennifer Ickes at (505) 827-0101

(Effective 11 March 2005) **EPA Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, NM; Negative Declaration.** EPA is approving a negative declaration submitted by the City of Albuquerque (Bernalillo County), New Mexico, which certifies that there are no existing commercial and industrial solid waste incineration units in Bernalillo County subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA). This is a direct final rule action without prior notice and comment because this action is deemed non-controversial. This rule is effective on 11 March 2005 unless adverse comments are received by 9 February 2005.

(Effective 28 February 2005) **EPA Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Recodification and SIP Renumbering of the New Mexico Administrative Code for Albuquerque/Bernalillo County.** EPA is approving a State Implementation Plan (SIP) revision submitted by the Governor of New Mexico on May 2, 2003. The submittal revises the numbering and format of New Mexico's Albuquerque/Bernalillo County SIP and contains no substantive changes to the regulations. These revisions are approved in accordance with the requirements of the Federal Clean Air Act. This rule is effective on 28 February 2005 without further notice, unless EPA receives relevant adverse comment by 31 January 2005. If EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For more details, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2004/December/Day-30/a28501.htm>.

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OKLAHOMA

Legislative/Regulatory Activity

Note: State of Oklahoma legislature will convene from 7 February to 27 May 2005 for regular session.

STATE OF OKLAHOMA PROPOSED LEGISLATION

(NEW) **Oklahoma S.B. 270 - Chemical Bans/Restrictions.** This bill requires ammonium nitrate to be secured to provide reasonable protection against vandalism, theft, or other unauthorized access. It permits ammonium nitrate fertilizer retailers to refuse to sell to persons attempting to purchase ammonium nitrate out of season, in unusual quantities, or under suspect purchase patterns. The bill also requires ammonium nitrate fertilizer retailers to record the date of sale and quantity, along with a valid state or federal driver license number, or other picture identification card number, current address, and the telephone number for the purchaser. The bill was prefiled on 12 January 2005. Prospects for consideration are uncertain at this time. Senator Lawler is a member of the majority party. The bill would become effective on 1 November 2005 if passed. To access the bill, please go to http://www2.lsb.state.ok.us/2005-06SB/SB270_int.rtf. Sponsor: Senator Daisy Lawler (D)

STATE OF OKLAHOMA PROPOSED RULE

(NEW) OK Department of Environmental Quality Proposed Regulation Published 3 January 2005: Amendments to Pesticide Regulations (OAC 35-30-17). ODEQ has proposed amendments to its pesticide regulations. The amendments enable the Department to reject the proposed name of a commercial or noncommercial applicator if the name is similar to that of an existing licensee as to cause confusion. The amendments also make administrative changes to the requirements for certified applicators. Additionally, the amendments remove a section concerning the use of Ethylene Dibromide, as it is no longer registered in the state. The amendments also allow the pressure rinsing of pesticide containers as an alternative to triple rinsing. ODEQ will hold a public hearing 3 February 2005. Comments are due on that day. *For additional information, please contact Teena Gunter at (405) 522-4576.*

(NEW) OK Department of Environmental Quality Proposed Regulation Published 3 January 2005: Amendments to Stream Water Appropriation and Well Drilling Requirements (OAC 785:1, 785:20 and 785:35). The Board has proposed amendments to its water resources regulations. The amendments add permit conditions to new stream water appropriation permits issued by the Board that are intended to protect navigation use of the water. Additionally, the amendments add a new reason for the non-use of a water right by a permit holder acceptable to the Board. If a permit holder can prove to the Board that the holder made a significant expenditure to build an infrastructure necessary for water use but that the water has not been used due to lack of demand, the holder may avoid the reduction or cancellation of that water right. Also, the amendments add an exemption to the continuing education requirements for the certification of well drillers and operator certifications. The Board will hold a public hearing 4 February 2005. Comments are due on that day. *For additional information, please contact Michael Mathis (405) 530-8800.*

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Quality Standards Implementation Rules (OAC 252:690-3). ODEQ has proposed amendments to its regulations that implement state water quality standards. The amendments update the incorporation by reference of federal rules as of 1 July 2004. The amendments also revise the 7Q2 calculation procedure as well as revise background and ammonia monitoring requirements. Additionally, the amendments make revisions to the requirements for Whole Effluent Toxicity testing. ODEQ held a public hearing before the Water Quality Division on 18 January 2005. Comments were due 14 January 2005. ODEQ plans to bring the proposal before the Environmental Quality Board 4 March 2005. The proposed changes to Chapter 690 are available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Review of Industrial Wastewater Systems Regulations (OAC 252:616). ODEQ is conducting a review of its industrial wastewater systems regulations. The Department has convened a workgroup to review and possibly revise the regulations for industrial surface impoundments and for the land application of industrial sludge and wastewater. The Department has proposed an initial round of amendments based on the regulation review. These amendments will revise the language of the regulation for clarity and for consistency with other rules. The amendments will also prohibit the land application of industrial sludge in scenic river basins and add requirements for the use of Class III wastewater for dust suppression. ODEQ held workgroup meetings 28 October 2004 and 15 November 2004. Staff reported that the review would lead to minor regulation changes in early 2005 and more substantial revisions in spring 2006. A workgroup meeting was scheduled for 16 December 2004. ODEQ held a public hearing before the Water Quality Advisory Council on 18 January 2005. Comments were due 14 January 2005. The proposed changes are available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Increase Annual Operating Fees for Hazardous Air Pollutants and Updates to the State Toxics Program (OAC 252:100-5 and OAC 252:100-41). ODEQ has proposed amendments to its air quality regulations that increase annual operating fees for stationary sources that emit hazardous air pollutants, toxic air contaminants and volatile organic compounds. The amendments also revise the state air toxics program and relocate state-only requirements for emissions from stationary sources to a new Subchapter 42. The effective date for the new Subchapter 42 is 1 October 2005. If the Department does not receive necessary funding, it will revoke Subchapter 42 before the effective date and maintain the current program in Subchapter 41. ODEQ held a public hearing before the Air Quality Council on 19 January 2005. Comments were due 12 January 2005. The Department will bring the proposal before the Environmental Quality Board 4 March 2005. The proposed revisions to Subchapters

5, 41 and 42 and Appendix O are available at

http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc5_121504.pdf,
http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc41_121704.pdf,
http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/sc42_121504.pdf, and
http://www.deq.state.ok.us/AQDnew/proposedrules/jan05/appx_o_121504.pdf. For additional information, please contact Morris Moffett at (405) 702-4100.

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Updates to Water Quality Permitting Standards (OAC 252:4-7-73, 252:4-7-74, 252:606-1-4, 252:611-1-3). ODEQ has proposed amendments to its water quality permitting and general water quality standards. The amendments revise permit procedural rules to add permit categories that were inadvertently omitted from the permit process regulations. The amendments also update the Oklahoma Pollutant Discharge Elimination System standards to incorporate by reference federal changes as of 1 July 2004. Additionally, the amendments update the general water quality regulations to incorporate by reference federal changes as of that date. The Department held a public hearing before the Water Quality Division on 18 January 2005. Comments were due 14 January 2005. ODEQ plans bring the proposal before the Environmental Quality Board 4 March 2005. The changes to Chapters 4, 606 and 611 are available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. For additional information, please contact Shellie Chard McClary at (405) 702-8154.

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Requirements for Non-industrial Wastewater (OAC 252:619, 252:621-1-1). ODEQ has proposed amendments to its non-industrial wastewater rules. The amendments consolidate all of the rules for non-industrial total retention lagoon systems into a new Chapter 619. The amendments also would adopt revisions in Chapter 621 that are applicable to non-industrial flow-through impoundments and public water supply impoundments. The revisions would also apply to the land application of wastewater from these impoundments. The Department held a public hearing before the Water Quality Advisory Council on 18 January 2005. Comments were due 14 January 2005. ODEQ plans bring the proposal before the Environmental Quality Board 4 March 2005. The proposed changes to Chapters 619 and 621 are available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. For additional information, please contact Shellie Chard McClary at (405) 702-8154.

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Incorporation of Federal Revisions to Public Water Supply Operation Rules (OAC 252:631-1-3). The Department has proposed amendments to its regulations that govern public water supply systems. The amendments incorporate by reference revisions to the federal regulations for public drinking water supply systems. The revisions would include updates through 1 July 2004. The Department held a public hearing before the Water Quality Division on 18 January 2005. Comments were due 14 January 2005. The Department held a public hearing before the Water Quality Advisory Council on 18 January 2005. ODEQ plans to bring the proposal before the Environmental Quality Board 4 March 2005. The proposed Chapter 631 is available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. For additional information, please contact Shellie Chard McClary at (405) 702-8154.

(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Pollution Control Facility Requirements (OAC 252:656). The Department has proposed amendments to its water pollution control facility construction regulations. The amendments revise the procedures for wastewater treatment and collection system construction. The amendments would also clarify requirements associated with construction at water pollution control facilities. ODEQ held a public hearing before the Water Quality Division on 18 January 2005. Comments were due 14 January 2005. The Department held a public hearing before the Water Quality Advisory Council on 18 January 2005. ODEQ plans to bring the proposal before the Environmental Quality Board 4 March 2005. The proposed amendments to Chapter 656 are available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. For additional information, please contact Shellie Chard McClary at (405) 702-8154.

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TEXAS

Legislative/Regulatory Activity

Note: State of Texas legislature will convene from 11 January to 30 May 2005 for regular session.

STATE OF TEXAS PROPOSED LEGISLATION

(NEW) **Texas H.B. 86 - Environmental Compliance History.** This bill modifies the method in which TCEQ establishes criteria for classifying repeat violators by requiring that it give consideration to the size and complexity of the site at which the violations occurred and limiting consideration to violations of the same nature in the same environmental media rather than looking at all facilities owned or operated by the person. The bill also requires that any information or data about a site that is placed on the Internet regarding compliance histories be subject to a quality assurance and quality control procedure, including an opportunity for the owner and operator of the site to review the information before it is placed on the Internet. The bill was prefiled on 11 November 2005. To access the bill, please go to

<http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=R&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=00086&VERSION=1&TYPE=B>. Sponsor: Wayne Smith (R)

CREO Comment: The Departments of the Army and Air Force and other members of the Texas Environmental Partnership have provided input and comments to this bill. If there are any additional comments, please forward them to the Army REC at (816) 983-3450.

(UPDATE) **Texas H.B. 217 - Noise Pollution.** Texas House Bill 217 gives authority to certain counties to enact noise regulations. The prospects for consideration are uncertain. The sponsor is a member of the minority party. This measure has not yet been referred to the appropriate committee of jurisdiction. The bill was prefiled on 14 December 2004. To access the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/HB002171.HTM>. Sponsor: Representative Kevin Bailey (D)

CREO Comment: This bill applies to counties with a population in excess of 3.3 million. The only county meeting that criterion is Harris County. The city of Houston is located entirely in Harris County.

(UPDATE) **Texas S.B. 123 - Air, Air Pollution Prevention.** S.B. 123 requires TCEQ to consider implementation of each air quality control measure proposed in an early action plan submitted to the commission pursuant to an early action compact. It also requires TCEQ to provide a reasonable margin to allow for population and industrial growth, foreseeable weather events, and scientifically accepted margins of error in data and modeling. Prospects for consideration are uncertain. The sponsor is a member of the majority party. This measure was prefiled on 20 December 2004 and has not yet been referred to the appropriate committee of jurisdiction. To access the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/SB001231.HTM>. Sponsor: Senator Gonzalo Barrientos (D)

(UPDATE) **Texas S.B. 142 - Growth Management.** This bill gives counties authority to regulate land development after a local option election. The bill was prefiled on 28 December 2004 and introduced on 8 January 2005. Prospects for consideration are favorable. The sponsor is a member of the majority party. Legislative sources indicate this measure will likely be heard this session. To access the bill, please go to <http://www.capitol.state.tx.us/tlo/79R/billtext/SB001421.HTM>. Sponsor: Senator Jeff Wentworth (R)

STATE OF TEXAS FINAL RULE

(Effective 6 January 2005) TX Commission on Environmental Quality Final Regulations Published 31 December 2004: Amendments to Regulations on Graywater Use (2003-056-317-WT) (30 TAC 210, 30 TAC 285). The Commission has adopted amendments to its regulations that govern graywater use. The amendments implement House Bill 2661, passed by the 78th Legislature in 2003. The amendments expand the definition of graywater as well as establish criteria for the use of graywater for irrigation and other agricultural purposes, commercial purposes, industrial purposes and institutional purposes. The amendments also add requirements for installers and for design engineers of wastewater systems. The regulations are final, effective 1 January 2005. The adopted version of the amendments to sections 210, 285 and 317 are available at http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/03056210_ado-clean.pdf, http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/03056285_ado-clean.pdf, and http://www.tnrc.state.tx.us/oprd/rule_lib/adoptions/03056317_ado-clean.pdf. For additional information, please contact Kathy Ramirez at (512) 239-6757.

(Effective 6 January 2005) TX Commission on Environmental Quality Final Regulations Published

31 December 2004: Adoption of Federal Changes for Public Water Systems (2004-087-290-WT) (30 TAC 290.272 - 290.275). The Commission has adopted amendments to its requirements for community public water systems. The amendments incorporate federal changes for notification and reporting requirements. The amendments require community public water systems to notify customers annually regarding maximum residual disinfectant level requirements and regarding violations of drinking water contaminant levels for arsenic, lead, copper, turbidity and disinfection byproducts. The amendments also require public water systems to notify the Commission annually regarding their compliance with these requirements. Additionally, the amendments grant the executive director authority to allow systems that serve less than 500 people to notify customers of drinking water quality by posting a notice rather than by mailing notice to each customer. The regulations are final, effective 1 January 2005. The adopted version of the amendments is available at http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/04087290_adoCLEAN.pdf. For additional information, please contact Ray Henry Austin (512) 239-6814.

STATE OF TEXAS PROPOSED RULE

(UPDATE) TX Commission on Environmental Quality Proposed Regulation Published 31 December 2004: Federal Updates to MACT Standards (2002-036c-113-AI) (30 TAC 113). The Commission has proposed amendments to its maximum achievable control technology (MACT) standards for hazardous air pollutants. The amendments update the regulations through incorporation by reference of revisions to the federal standards. The amendments would also incorporate by reference sections that are new to the state regulations, including a section that contains requirements for control technology determinations for major sources in accordance with the Clean Air Act. The Commission held a public hearing 31 January 2005. Comments are due on that day. The proposed regulations are available at http://www.tnrcc.state.tx.us/oprd/rule_lib/proposals/02036c113_pro.pdf. For additional information, please contact Joseph Thomas at (512) 239-4580.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) TX Commission on Environmental Quality Final Document: Review of Commission Enforcement Process. TCEQ has completed a review of its enforcement process. As a result of the review, the Commission issued a final report of key issues for the enforcement of its environmental laws. TCEQ intended for the review to ensure that the agency is enforcing environmental laws fairly, effectively and swiftly. Key issues in the report include: consideration of compliance history, enforcement initiation, investigation prioritization, notice of violation policy, agency coordination, the penalty policy, ordering provisions, supplemental environmental projects and fee & penalty collection. The Commission accepted comments on the initial draft through 28 May 2004. The Commission released a final draft of enforcement recommendations and accepted comments on the final draft through 30 September 2004. TCEQ presented preliminary feedback of the comments received to the Commissioners at work sessions on 15 October 2004, 1 November 2004 and 15 November 2004. The Commission held additional work sessions 17 December 2004 and 14 January 2005. The Commission issued a final report in January 2005. The final report is available at http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/ctf/013/ctf-013.pdf. For additional information, please contact Glenn Greenwood (512) 239-5011.

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REGION 7 STATE ACTIVITY

Regulatory & Legislative Web Sites	
Iowa Department of Natural Resources (IDNR)	http://www.state.ia.us/dnr/
Iowa General Assembly	http://www.legis.state.ia.us/
Kansas Department of Health and Environment (KDHE)	http://www.kdhe.state.ks.us
Kansas Legislature	http://www.kslegislature.org/cgi-bin/index.cgi
Missouri Department of Natural Resources (MDNR)	http://www.dnr.state.mo.us/homednr.htm
Missouri General Assembly	http://www.moga.state.mo.us/
Nebraska Department of Environmental Quality (NDEQ)	http://www.deq.state.ne.us
Nebraska Legislature	http://www.unicam.state.ne.us/

IOWA

Legislative/Regulatory Activity

Note: State of Iowa legislature will convene from 10 January to late April 2005 for regular session.

STATE OF IOWA PROPOSED RULES

(NEW) IA Department of Natural Resources Draft Regulation: Solid Waste Comprehensive

Planning Requirements (567 IAC 101). IDNR has drafted revisions to the solid waste comprehensive planning requirements. The rules are to be updated and streamlined and make the following changes: 1) language was added to clarify standard operating procedures related to the tracking of Iowa generated waste between individual planning areas and 2) language was added to clarify standard operating procedures related to state volume reduction and recycling goals. The rule replaces the 1990 manual (revised 2001). The rule will be introduced at the 18 January 2005 Environmental Protection Commission (EPC) meeting. To view the regulations, please go to <http://www.iowadnr.com/epc/05jan/6.pdf>. For additional information, please contact Mark Warren at (515) 281-4968.

(NEW) IA Department of Natural Resources Draft Regulation: Air Quality Program Rule Updates

(567 IAC 20, 21, 22, 23 and 25). IDNR is proposing amendments to update the air quality program rules. The amendments include: (1) Makes date modifications throughout Chapters 20, 22, 23 and 25 to reference the most recent date for which changes to 40 Code of Federal Regulations, Parts 51, 52, 60, 61, 63, 70, 72, 73, 75, 76, 77 and 78 were published; (2) Adds a definition in Chapter 20, under rule 20.2 for "untreated" as it relates to wood, seeds, pellets and other vegetative matter. This definition is being added to clarify that untreated wood does not include wood or wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper acetate, pentachlorophenol or creosote. Untreated seeds, pellets or other vegetative matter does not include those materials that have been treated with pesticides; (3) Provides clarification in Chapter 21, under the Variance rules under paragraph 21.2(3)"a". This change was made at the request of EPA; (4) Provides clarification in Chapter 22 under subrule 22.1(3) for construction permit applications. This rule specifies the qualifications for engineers preparing and submitting applications. The proposed rules replace the word "registered" with the word "licensed." This change is to make the wording consistent with Iowa Code 542B.1, in which "registered" was replaced with "licensed" in 1995. The proposed rules now require that engineers submitting applications be professional engineers licensed in the state, or be full-time employees of the corporation submitting the application, consistent with the provisions of Iowa Code 542B.26; (5) Amends the definition of "hazardous air pollutant" under the Title V rules in rule 22.100. On November 29, 2004, EPA published a final rule to delete ethylene glycol ether from the list of HAPs. The proposed change to 22.100 will state that ethylene glycol ether is no longer included in the group of glycol ethers that are considered to be HAPs; (6) Changes the requirements for submitting Title V Operating Permit applications, under rule 22.105, to reduce the number of copies required from four copies to three copies, and to specify the offices where each copy must be mailed; (7) Changes the requirements under subrule 22.128(4) for Acid Rain applications to reduce the number of copies required to be submitted from four copies to three copies; (8) Adds a new rule 22.209 to specify the information that must be submitted when there is a change of ownership for a facility with a voluntary operating permit; (9) Adds a new rule 22.300 to specify the information that must be submitted when there is a change in ownership for a facility with an operating permit by rule for small sources; and (10) Adopts by reference four recently promulgated federal National Emission Standards for Hazardous Air Pollutants (NESHAPS). The rule was introduced at the 18 January 2005 Environmental Protection Commission (EPC) meeting. To view the regulations, please go to <http://www.iowadnr.com/epc/05jan/13.pdf>. For additional information, please contact Christine Paulson at

(515) 242-5094.

(UPDATE) A Department of Natural Resources Draft Regulation: New Source Review Reform

Regulations. IDNR is discussing the New Source Review Reform regulations. The rulemaking includes 6 major areas: (1) plant-wide applicability limits (PALs); (2) clean unit test; (3) pollution control project exclusion; (4) actual emissions baseline; (5) actual-to-projected actual tests; and (6) routine maintenance, repair and replacement. Staff went before the Environmental Protection Commission at their 20 December 2004 meeting. The rule was discussed again at the 18 January 2005 EPC meeting. To view the regulations, please go to <http://www.iowadnr.com/air/prof/const/nsrreform.html>. For additional information, please contact Jim McGraw at (515) 242-5167.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(UPDATE) IA Department of Natural Resources Departmental Discussion: Revisions to General Use Definition, Water Quality Standards (567 IAC 60, 61, 72).

IDNR is discussing revisions to the water quality standards as a result of the 2002 triennial review. The rulemaking would revise the definition of general use. An informational item was sent to the Environmental Protection Commission in December. Staff will conduct individual stakeholder meetings and technical advisory committee meetings from November 2004 through April 2005. Staff expects to go to the EPC May 2005. For additional information, please contact Chuck Corell at (515) 281-8448.

(UPDATE) IA Department of Natural Resources Departmental Discussion: Revisions to Designated Use Definition, Water Quality Standards (567 IAC 60, 61, 72).

IDNR is discussing revisions to the water quality standards as a result of the 2002 triennial review. The rulemaking would revise the language for Class B(Ir) and create a new use designation for intermittent, pooled conditioned aquatic life use. An informational item was sent to the Environmental Protection Commission in December. Staff will conduct individual stakeholder meetings and technical advisory committee meetings from November 2004 through April 2005. Staff expects to go to the EPC May 2005. For additional information, please contact Chuck Corell at (515) 281-8448.

(UPDATE) IA Department of Natural Resources: Amendment to Protected Waters Rule (Chapter

53). The Department is planning revisions to the protected waters rules. The rule describes the purpose and procedures for designating specific surface water and groundwater sources as protected sources. This includes the special information that may be required of applicants for permits to withdraw water from such sources and conditions that may be applied to approved permits. Those protected sources so designated are also listed. Staff introduced the rulemaking to the Environmental Protection Commission (EPC) at their 20 December 2004 meeting. The rule was discussed again at the 18 January 2005 EPC meeting. For additional information, please call Chuck Corell (515) 281-8448.

(UPDATE) IA Department Of Natural Resources Departmental Discussion: Monitoring, Analytical And Reporting Requirements For Wastewater Treatment Facilities (567 IAC 63).

IDNR is discussing a rulemaking to revise the monitoring requirements for wastewater facilities. The revisions are taking place to ensure that the frequency and level of monitoring effluent from treatment facilities provide reliable assurances that facilities are providing the degree of treatment necessary to meet state water quality standards. According to Department staff as of 11 January 2005, the rulemaking is on hold due to other priorities. For additional information, please contact Wayne Farrand at (515) 281-8877.

(UPDATE) IA Department of Natural Resources Departmental Discussion: 2004 303(d) List.

IDNR is drafting their 2004 303(d) list of impaired waters. Under section 303(d), states, territories, and authorized tribes are required to develop lists of impaired waters. These impaired waters do not meet water quality standards that states, territories, and authorized tribes have set for them, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop TMDLs for these waters. As of January 2005 a draft has not been released for public comment. IDNR staff is incorporating internal comments before issuing the draft list. For additional information, please call Chris Van Gorp at (515) 281-4791.

(UPDATE) IA Department of Natural Resources Draft TMDLs. IDNR has drafted the following TMDLs and is in the process of scheduling hearings and/or reviewing comments from previous hearings. The TMDL locations and web sites are listed below:

Clear Lake TMDL: IDNR has drafted a TMDL for algal growth/Chlorophyll a and nutrients. The Department held a public meeting on the draft TMDL 19 January 2005. Comments are due 26 January 2005. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04clearlake.html>

Don Williams Lake TMDL: IDNR has drafted a TMDL for organic enrichment/low dissolved oxygen and siltation. The Department is accepting comments on the draft TMDL until 26 January 2005. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04donwilliams.html>

Indian Lake TMDL: IDNR has drafted a TMDL for Indian Lake for organic enrichment and noxious aquatic plants. Comments were due 01/05/05. Staff is reviewing comments. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/pdf/draft/IndianLakeDraftTMDL.pdf>.

Lake Macbride TMDL: IDNR has drafted a TMDL for nutrients and siltation. Staff is reviewing comments. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04lakemacbride.html>

Lake Meyer TMDL: IDNR has drafted a TMDL for nutrients and siltation. Written comments on the draft TMDL were due 14 January 2005. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04lakemeyer.html>

Lake Smith TMDL: IDNR has drafted a TMDL for Lake Smith for noxious aquatic plants. Comments were due 5 January 2005. Staff is reviewing comments. For a summary of the TMDL, please go to: <http://www.iowadnr.com/water/tmdlwqa/tmdl/pdf/draft/LakeSmithDraftTMDL.pdf>.

Yeader Creek TMDL: The IDNR has drafted a TMDL for priority organics (propylene glycol and ethylene glycol (de-icing agents)). IDNR staff is reviewing comments. For a summary of the TMDL, please go to <http://www.iowadnr.com/water/tmdlwqa/tmdl/schedule/04yeadercr.html>

For additional information, please contact Chris Van Gorp at (515) 281-4791.

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KANSAS

Legislative/Regulatory Activity

Note: State of Kansas legislature convenes from 10 January to late April 2005 for regular session.

STATE OF KANSAS FINAL RULES

(Effective 28 January 2005) KS Department of Health and Environment Final Regulation: Triennial Review of Water Quality Standards. KDHE has conducted its triennial review of water quality standards and amended the rules based on the review. The rule became effective 28 January 2005. The Department defined six key issues related to the water quality standards. The six key issues are: (1) atrazine; (2) bacteria; (3) high flow; (4) natural pollutants; (5) nutrients; and (6) site-specific concerns. The Department wrote White Papers for each of the key issues. The documents are available at <http://www.kdhe.state.ks.us/water/triennial>, <http://www.kdhe.state.ks.us/water/triennial/atrazine.pdf>, <http://www.kdhe.state.ks.us/water/triennial/bacteria.pdf>, <http://www.kdhe.state.ks.us/water/triennial/HighFlow.pdf>, <http://www.kdhe.state.ks.us/water/triennial/NaturalPollutants.pdf>, <http://www.kdhe.state.ks.us/water/triennial/nutrient.pdf>, and <http://www.kdhe.state.ks.us/water/triennial/SiteSpecific.pdf>. *For additional information, please call Bret Holman at (785) 296-5508*

STATE OF KANSAS PROPOSED LEGISLATION

(NEW) Kansas H.B. 2019 Encroachment Restrictions. H.B. 2019 allows the governing body of a city or county to create, enlarge or dissolve encroachment restriction districts in the manner provided by Section 1(c) of the bill. This section states that any person who owns or possesses any property may submit an application for the creation, enlargement or dissolution of an encroachment restriction district to the governing body of the city in the case of property located within the corporate limits of a city or to the board of county commissioners in the case of property located outside the corporate limits of a city. Such application shall be on a form provided by the governing

body. The bill requires that the application shall be accompanied by any information deemed necessary by the governing body including, but not limited to, the specific encroachment restrictions requested such as light, noise, height and distance requirements and the reasons such restrictions are necessary or requested. To view this bill please go to <http://www.kslegislature.org/bills/2006/2019.pdf>. Sponsor: Tom Sloan (R)

CREO Comment: CREO has provided testimony on behalf of the Department of Defense in support of this proposed legislation.

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MISSOURI

Legislative/Regulatory Activity

Note: State of Missouri legislature will convene from 5 January to 30 May 2005 for regular session.

STATE OF MISSOURI PROPOSED LEGISLATION

(NEW) **Missouri S.B. 172 - Water Use.** This bill was introduced on 12 January 2005 and authorizes the creation of a watershed improvement district. Prospects for consideration are favorable. In previous sessions, bills of this type would be referred to the Agriculture, Conservation, Parks and Natural Resources Committee. This bill is likely to be referred to this committee. The bill sponsor is a member of the majority party and is a member of the Agriculture, Conservation, Parks and Natural Resources Committee indicating that consideration will be given. To view the bill, please go to <http://www.senate.mo.gov/05info/billtext/intro/SB172.htm>. Sponsor: Senator Chuck Purgason (R)

(UPDATE) **Missouri H.B. 31 - Lead Abatement.** H.B. 31 amends penalties relating to lead abatement in facilities that have children less than six years of age. The bill was prefiled on 1 December 2004 and introduced on 5 January 2005. Prospects for consideration are uncertain. The bill has not been assigned to a committee. In previous legislative sessions, bills with similar language were referred to the House Conservation and Natural Resources Committee. The bill's sponsor is a member of the majority party. To view the bill, please go to <http://www.house.state.mo.us/bills051/biltxt/intro/HB00311.htm>. Sponsor: Representative Robert Schaaf (R)

(UPDATE) **Missouri S.B. 22 – Emissions.** This bill requires changes to motor vehicle emission program requirements established by the Air Conservation Commission. The text of the bill is unavailable at this time. The bill was prefiled on 1 December 2004 and introduced on 5 January 2005 and referred to the Senate Transportation Committee on 13 January. Prospects for consideration are favorable. The bill sponsor is a member of the majority party and is Vice Chair of the committee of referral indicating that the bill will likely be considered in committee. Sponsor: Senator John Griesheimer (R)

STATE OF MISSOURI PROPOSED RULES

(UPDATE) **MO Department of Natural Resources Proposed Regulation Published 2 August 2004: Increase to the Insignificant Emissions Levels For Minor Construction Permitting (2691) (10 CSR 010-06.061).** MDNR has proposed a rulemaking to revise 10 CSR 010-06.061, Construction Permit Exemptions. The rulemaking increases the insignificant emission levels that determine when an installation requires a construction permit for insignificant modifications. The exemptions would reduce permitting burdens for the construction industry and for small sources of Volatile Organic Compounds. On 3 February 2004, the Department obtained a 12-month variance from the Missouri Air Conservation Commission that allows installations to take advantage of the lower emission level exemptions prior to the finalization of the rulemaking. MDNR has adopted the rulemaking. The order of rulemaking was published in the 3 January 2005 issue of the Missouri Register. The rule will be effective 30 days after publication in the Code of State Regulations. *For additional information, please contact Paul McConnell at (573) 751-4817.*

(UPDATE) **MO Department of Natural Resources Proposed Regulation Published 18 January 2005: Amendments to Basic and Intermediate Operating Permit Program (2645) (10 CSR 10-6.065).** The MDNR has proposed revisions to its basic and intermediate operating permit programs. The revisions to the operating permit program for basic sources include the treatment of fugitive emissions with regards to applicability, an installation equipment log for the record keeping requirement, a clarification of permit amendments and modifications, the removal of the annual compliance certification, and a revised operating permit notification. The changes to the

operating permit program for intermediate sources would revise the program to mirror 40 CFR Part 70, which adds flexibility to the processing of permits. Based on this rulemaking, the Missouri Air Conservation Commission has granted a variance from the existing basic operating permit requirements of 10 CSR 10-6.065(4)(G), Notification Contents, by allowing basic installations to use the revised operating permit notification forms. Due to the variance, basic installers will not be required to submit an annual compliance certification requirement for 2003 under 10 CSR 10-6.065(4)(I), Compliance Reporting obligations. The Department will hold a public hearing 31 March 2005. Comments are due 7 April 2005. The proposed rules are available at pdf pages 6-16 of the Proposed Rules section of the 18 January 2005 Missouri Register: <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n2/v30n2b.pdf>. The revised basic operating permit notification form is available under the heading "Air Pollution" and subheading "Generic Operating Permit" at <http://www.dnr.mo.gov/oac/forms>. For additional information, please contact Ben Elmore at (573) 751-4817.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) MO Department of Natural Resources Departmental Discussion: Amendments to Effluent Limits for Sewer Overflows (10 CSR 020-06). MDNR is discussing a rulemaking to amend its sewer overflow effluent limitations. The Department has been directed to do this by the Missouri Clean Water Commission. Staff reports that the Department plans to initiate a stakeholder process for this rulemaking. Staff also reports that MDNR plans to submit a proposal to the Clean Water Commission before the end of 2005. For additional information, please contact Phil Schroeder at (573) 751-6825.

(NEW) MO Department of Natural Resources Departmental Discussion: Amendments to Transportation Conformity Regulations (10 CSR 10-2.390 And 10-5.480). MDNR is discussing a rulemaking to amend the transportation conformity regulations for Kansas City and St. Louis. The amendments revise the regulations to update recent changes to the federal transportation conformity rules. The updates include new transportation conformity standards for 8-hour ozone and PM_{2.5}. The Department was to have posted a preliminary draft for public comment by the end of January 2005. For additional information, please contact Don Cripe at (573) 751-4817.

(UPDATE) MO Department of Natural Resources Departmental Discussion: 2003 Triennial Review of Water Quality Standards. MDNR is working on a 2003 triennial review of Missouri's water quality standards. During the triennial review, amendment of all of the state's water quality standards is considered. The Department is discussing: (1) the addition of whole-body contact recreation use to all classified waters in the state; (2) removal of the high flow exemption for fecal coliform bacteria; (3) adoption of the total recoverable method to measure compliance with drinking water standards; (4) adoption of the 1999 EPA ammonia criteria; (5) development of dissolved oxygen standards based on waterbody type; and (6) permitting issues in national outstanding resource waters. Staff reports that the Department is currently reviewing the comments received on the Regulatory Impact Report. Staff anticipate filing a proposal with the Secretary of State in April or May 2005. The Regulatory Impact Report for this regulation is available at <http://www.dnr.state.mo.us/wpscd/wpcp/rules/10-CSR-20-7-031-rir.pdf>. For additional information, please contact Stacia Bax at (573) 526-1445.

(UPDATE) MO Department of Natural Resources Departmental Discussion: MO SIP Revised NAAQS Plan, Ozone And PM_{2.5}. MDNR is discussing regulations and SIP amendments to adopt the new and revised federal standards for ozone and PM_{2.5}. The 12 criteria for determining the appropriate non-attainment boundaries include: (1) emissions and air quality; (2) population density and degree of urbanization; (3) monitoring data representing ozone concentrations; (4) location of emission sources; (5) traffic and commuting patterns; (6) expected growth; (7) meteorology; (8) geography/topography; (9) jurisdictional boundaries; and (10) regional emission reductions. The Department has prepared an unofficial table of areas that would not be in compliance with the ozone standard. Some parts of the St. Louis and Kansas City area may be in non-attainment. Staff reports that the Department submitted the recommendations for establishing geographical non-attainment boundaries for ozone and PM_{2.5} to EPA who has agreed with Missouri's proposal and will make a decision on whether to establish the boundaries within the next few months. Staff reports that the Department is working on the regulations to adopt the federal ozone and PM_{2.5} standards. MDNR has established stakeholder workgroups to develop attainment demonstration and control strategies for the 8-hour ozone and PM_{2.5} SIPs for St. Louis. The Modeling and Data Analysis workgroup met 25 January 2005. Staff anticipates that the MDNR will post draft rules in early 2005. For additional information, please contact John Rustige at (573) 751-4817.

(UPDATE) **MO Department of Natural Resources Departmental Discussion: Amendments to Water Quality Standards (10 CSR 020-07.031)**. The Department is planning revisions to its water quality standards. The revisions include limiting high flow exemptions from bacterial standards and removing an existing allowance for mixing zones in low flow streams. The revisions also change the analysis method for water used as part of the drinking water supply from "dissolved metals" to "recoverable metals". The revisions tighten the anti-degradation standard for outstanding natural resource waters (waters which receive special protection against degradation.) Additionally, the revisions make the state effluent standards more consistent with federal effluent guidelines. However, because of recent revisions to the regulatory review process, staff reports that the proposal has been delayed. Staff reports that MDNR is currently reviewing the comments received on the Regulatory Impact Report. Staff anticipates filing a proposal with the Secretary of State in April or May 2005. The regulatory impact report for this regulation is available at <http://www.dnr.state.mo.us/wpscd/wpcp/rules/10-CSR-20-7-015-rii.pdf>. For additional information, please contact Phil Schroeder at (573) 751-6825.

(UPDATE) **MO Department Of Natural Resources Document Drafting: 2004 303(d) List**. MDNR has finalized a 2004 303(d) Listing Methodology for public review and comment. The document describes the procedures the Department will use to collect and assess water quality data to determine what waterbodies to place on the state 303(d) list. The draft 2004 303(d) Listing Methodology was approved by the Clean Water Commission on 29 September 2004. The Department is currently drafting a 2004 303(d) list. Staff anticipates that the Department will issue a draft 2004 303(d) list by spring 2005. The draft document is available at <http://www.dnr.mo.state.us/wpscd/wpcp/rules/pn-draft-listing-methodology-R11.pdf>. For additional information, please contact John Ford at (573) 751-7428.

Retired Senator Doyle Childers Named Director of the Missouri Department Of Natural Resources. Governor Matt Blunt named recently retired Sen. Doyle Childers to head the Department of Natural Resources. Sen. Childers was born in Ironton, Missouri and received degrees from the College of the Ozarks (A.S., B.S.). He has also done graduate work at Southwest Missouri State University. Senator Childers served in the House of Representatives from 1982 to 1996 before being elected to the Missouri state Senate in 1996. During his tenure in the State Senate, Senator Childers has served as Chairman of the Economic Development, Tourism, and Local Government Committee and is a member of the Senate Appropriations Committee, Senate Education Committee, and Gubernatorial Appointments Committee.

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NEBRASKA

Legislative/Regulatory Activity

Note: State of Nebraska legislature will convene from 5 January to early June 2005 for regular session.

STATE OF NEBRASKA PROPOSED LEGISLATION

(NEW) **Nebraska L.B. 8 Uniform Environmental Covenants Act (UECA)**. L.B. 8, the Uniform Environmental Covenants Act (UECA), provides clear rules for a valid real estate document, or environmental covenant, to regulate the use of brownfields when real estate is transferred from one person to another. An environmental covenant is typically used after an effort to clean up contaminated property. While the general goal of most cleanups is to return a site to a condition where it can be safely used for *any* purpose, this is not always technically possible or economically practicable. When a site is not cleaned up completely, use restrictions may be used to supplement cleanup measures. L.B. 8 applies traditional real estate law principles to these environmental covenants to ensure that valid land use restrictions will be perpetually enforced against subsequent owners of the property, no matter how many times the affected real estate is transferred. The UECA ensures that a covenant will survive despite tax lien foreclosures, adverse possession, and marketable title statutes. The act also provides detailed provisions regarding termination and amendment of older covenants, and includes important provisions on dealing with recorded interests that have priority over the new covenant.

CREO Comment: CREO is coordinating DoD comments for this proposed legislation.

(NEW) **Nebraska L.B. 190 - Electronic Scrap/Waste, Advance Disposal Fees**. This bill requires that the Nebraska Environmental Trust Board promote the recycling of electronic equipment by implementing a plan for short-term and long-term collecting, storing, transporting, processing, and recycling of electronic equipment. This bill also requires a five-dollar fee, to be paid by the purchaser, on the sale of items that contain a cathode ray tube. The bill

was introduced on 7 January 2005 and referred to the Natural Resources Committee on 11 January. Prospects for passage are uncertain because the sponsor is not a member of the Natural Resources Committee. To view this bill, please go to http://www.unicam.state.ne.us/pdf/INTRO_LB190.pdf. Sponsor: Senator Donald G. Preister (I)

STATE OF NEBRASKA PROPOSED RULES

(UPDATE) **NE Department of Environmental Quality Draft Regulation: Adoption of Federal Rules for the New Source Review Prevention of Significant Deterioration Program (Title 129, Chapter 19)**. NDEQ is drafting rules to add a new Chapter 19 to its air regulations. The new chapter would adopt a state-specific version of the federal rules for NSR, PSD. The Department plans to finalize the draft changes for public notice by the end of January 2005. NDEQ intends to present the draft rules to the Environmental Quality Council 4 March 2005. Additional information and the draft rule can be found on NDEQ's website at <http://www.deq.state.ne.us/>. For additional information, please contact Bev Kellison at (402) 471-3588.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

(NEW) **NE Department of Environmental Quality Proposed TMDL: Big Blue River Basin, Little Blue River Basin and Republican River Basin TMDLs**. The Department has issued Total Maximum Daily Loads (TMDLs) for the Big Blue River Basin, Little Blue River Basin and Republican River Basin. The TMDLs address fecal coliform and E. coli bacteria impairment in the river basins. The Department accepted comments on the TMDLs through 1 February 2005. The TMDLs are available at <http://www.deq.state.ne.us>. For additional information, please contact Pat O'Brien at (402) 471-3382.

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FEDERAL ACTIONS

EPA FINAL RULES

(Effective 5 April 2005) Air Quality Designations and Classifications for the Fine Particles (PM_{2.5}) National Ambient Air Quality Standards. This rule sets forth the initial air quality designations and classifications for all areas in the United States, including Indian country, for the fine particles (PM_{2.5}) NAAQS. This rule establishes the boundaries for areas designated as non-attainment, unclassifiable, or attainment/unclassifiable. This rule does not establish or address State and Tribal obligations for planning and control requirements that apply to non-attainment areas for the PM_{2.5} standards. EPA will publish a separate rule that will set forth the planning and control requirements that apply to non-attainment areas for the PM_{2.5} standards. The full text document location: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1.htm>.

(Effective 14 March 2005) Protection of Stratospheric Ozone: Leak Repair Requirements for Appliances Using Substitute Refrigerants. EPA is amending the rule on mandatory leak repair of appliances, promulgated under section 608 of the Clean Air Act, to clarify how the requirements of section 608 extend to appliances using substitutes for CFC and hydrochlorofluorocarbon (HCFC) refrigerants. This final rule affects the owners and operators of comfort cooling, commercial refrigeration, and industrial process refrigeration appliances with regard to leak repair provisions promulgated under section 608 of the Act. Certain aspects of this action will also affect Federal owners and operators of commercial and comfort-cooling appliances normally containing more than 50 pounds of refrigerant. This rule supplements a statutory and self-effectuating prohibition on venting substitutes to the atmosphere that became effective on 15 November 1995 (i.e., section 608(c)(2) of the Act). EPA is amending the current leak repair requirements for refrigeration and air-conditioning equipment (i.e., appliances) containing CFC and HCFC refrigerants to accommodate the proliferation of new refrigerants on the market. In addition to amending the leak repair requirements, this final rule extends the leak repair provisions of section 608 to appliances using substitutes consisting in whole or in part of a class I or class II ozone-depleting substance (ODS). For details, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-429.htm>.

USAEC Comment: This final rule affects the owners and operators of comfort cooling, commercial refrigeration, and industrial process refrigeration (IPR) appliances with regard to leak repair provisions promulgated under section 608 of the Clean Air Act. Certain aspects of this action will also affect Federal owners and operators of commercial and

comfort-cooling appliances normally containing more than 50 pounds of refrigerant. Additional details will be forthcoming. For additional information, please contact the media manager at (410) 436-1213.

EPA PROPOSED RULES

Toxics Release Inventory Reporting Forms Modification Rule. Under section 313 of EPCRA, EPA proposes to revise certain requirements for the Toxic Chemical Release Inventory. The purpose of these revisions is to reduce reporting burden associated with the Toxic Chemical Release Inventory Reporting requirements without compromising the usefulness of the information to the public. This proposal is one of several efforts being undertaken by EPA to reduce the reporting burden associated with the Agency's Toxics Release Inventory (TRI) program. It is not anticipated to impact any protections for human health and the environment. EPA will continue to provide information to the public pursuant to EPCRA section 313 and the Pollution Prevention Act regarding toxic chemical releases and other waste management activities. If adopted, this proposed action would simplify a number of TRI reporting requirements; remove some data elements from the Form R and Form A Certification Statement (referred to as Form A) that can be obtained from other EPA information collection databases, or are rarely used, and update the regulations to provide corrected contact information and descriptions of the Forms R and A data elements. EPA expects these proposed changes to improve TRI reporting efficiency and effectiveness, as well as reduce reporting burden. For details, please go to <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-430.htm>.

OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

Official DoD Perchlorate Website Now Up and Running. The Department of Defense Perchlorate Work Group, formed in 2000 to effectively coordinate DoD efforts on perchlorate, has developed a web site that provides the latest information related specifically to perchlorate. This web site presents information on a variety of perchlorate topics including the recent National Academy of Sciences report assessing the health implications of perchlorate exposure. The perchlorate web site also gives information on the on-going DOD initiatives in regard to perchlorate including topics such as analytical methodologies, treatment technologies, pollution prevention, public outreach, a calendar of up-coming events and news announcements. Links to federal and state government sites are also available. The web address is <http://www.dodperchlorateinfo.net/>.

Multi-Agency Radiological Laboratory Analytical Protocols Manual. The participating agencies (Department of Defense; Department of Energy; Department of Homeland Security; Environmental Protection Agency; Nuclear Regulatory Commission; National Institute of Standards and Technology, Commerce; United States Geological Survey, Interior; and Food and Drug Administration) are announcing the availability of the "Multi-Agency Radiological Laboratory Analytical Protocols" (MARLAP) Manual. The MARLAP Manual provides guidance for the planning, implementation, and assessment phases of projects that require the laboratory analysis of radionuclides. MARLAP's basic goal is to provide guidance for project planners, managers, and laboratory personnel to ensure that radio-analytical laboratory data will meet a project's or a program's data requirements. The manual offers a framework for a performance-based approach to achieving data requirements that are both scientifically rigorous and flexible enough to be applied to diverse projects and programs. This framework will promote national consistency in the generation of radio-analytical data of known quality that are appropriate for its intended use. Examples of radiological data collection activities that MARLAP supports include: site characterization, site cleanup and compliance demonstration, decommissioning of nuclear facilities, emergency response, remedial and removal actions, decontamination activities, effluent monitoring of licensed facilities, environmental site monitoring, background studies, and waste management activities. The MARLAP Manual, now finalized, is a multi-agency consensus document. The agencies previously sought public comment in order to receive feedback from the widest range of interested parties and to ensure that all information relevant to developing the document was received and addressed to the extent possible. The interagency MARLAP work group reviewed all public comments received as well as comments from a concurrent, independent technical peer review. Suggested changes were incorporated, where appropriate, in response to those comments. Printed and CD-ROM versions of MARLAP (NTIS PB2004-105421) may be purchased from the National Technical Information Service (NTIS) online at <http://www.ntis.gov>. The manual is also available through the Internet at <http://www.epa.gov/radiation/marlap> or <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1576/>.

Radionuclide Biological Remediation Resource Guide (EPA 905-B-04-001). EPA's Region 5 Superfund Division produced this document. It provides information on identifying and accessing abstracts and technical papers that help site cleanup managers evaluate innovative technologies such as bioremediation and phytoremediation for

the cleanup of radioactive soils, groundwater and surface water. Specifically, this document identifies a cross section of information intended to aid users in remedial decision-making, including abstracts of field demonstrations, research documents, and information to assist in ordering of publications (journal citations, website citations). In addition, the cross-reference and look-up format of this document allows the user to quickly scan abstracts and access the full journal article (August 2004, 68 pages). The document can be viewed or downloaded at <http://clu-in.org/techpubs.htm>.

RCRA in Focus: Construction, Demolition, Renovation (EPA 530-K-04-005). The EPA Office of Solid Waste issued this publication. The publication is intended to provide a basic understanding of the regulatory requirements for hazardous Construction & Demolition waste. Helpful features include information on managing typical hazardous C&D wastes and a hazardous waste requirements checklist for C&D projects. Tips on reducing C&D waste and a fairly extensive list of contacts for the C&D industry are also included (September 2004, 24 pages). The document can be viewed or downloaded at <http://www.epa.gov/epaoswer/hazwaste/id/infocus/rif-c&d.pdf>.

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REGIONAL MEETINGS

Southwest Strategy Tribal Relations Support Team. This meeting will be held on **24 February 2005** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

Southwest Strategy Border Task Team. This meeting will be held on **24-25 February 2005** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

Texas Environmental Partnership. The quarterly TXEP meeting will be held on **22-25 February 2004** in **Fort Worth, Texas**. For additional information, please contact the Army REC at (816) 983-3450.

Southwest Strategy Agency Coordinators Meeting. This meeting will be held on **22-23 March 2004** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

US-Mexico Symposium on Natural and Cultural Resources Management. This meeting will be held on **19-21 April 2004** in **Las Cruces, New Mexico**. For additional information, please contact the Project Manager at (816) 983-3451.

EPA Region 7 Federal Facilities Conference. The conference is scheduled for **24-26 May 2005** in **Kansas City, KS**. For additional information call the Army REC at (816) 983-3447.

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TRAINING COURSES AND WORKSHOPS

USACE PROSPECT Training. The USACE Prospect program provides job-related training through technical, professional, managerial and leadership courses to meet the unique needs of the USACE and other government agencies. The courses are open to all federal agencies. The current fiscal year schedule of classes is available at <http://pdsc.usace.army.mil/courseschedule.asp>. To register, please contact the USACE Registrar at (256) 895-7425 or 7421.

Army Environmental Training Symposium. The purpose of this symposium is to provide training to installation (Active Army, National Guard, and Army Reserve) environmental personnel, installation stakeholders, and other members of the Army environmental community. The workshop will primarily consist of numerous environmental short courses and seminars and will provide information on emerging issues and new business processes. The training will take place in **Kansas City, Missouri** on **14-19 February 2005**. For additional information or to register on-line, please go to <http://www.armysymposiumregistration.com/>.

Stormwater Development Program. The workshop is co-sponsored by the City of Warrensburg (Missouri) and the Missouri Department of Natural Resources. Trainers for the workshop will be Environmental Specialists with the MDNR's Environmental Assistance Office. Topics covered include public education and outreach, public participation

and involvement, illicit discharge detection and elimination, construction site runoff control, post-construction runoff control, and pollution prevention. The workshop will be held on **16 February 2005** in **Warrensburg, Missouri**. To register on line, please go to www.dnr.mo.gov/oac/swworkshop.htm or call 1-800-361-4827.

2005 National Military Fish and Wildlife Association Annual Training Session. This training session is planned for **14-17 March 2005** in **Arlington, Virginia**. The sessions planned include:

- Invasive Species Management (plants and animals).
- Habitat Restoration.
- Chesapeake Bay Issues.
- Wildlife Research Supports the Military Training Mission.
- Reptile and Amphibian Biology and Management.
- Invertebrate Species Biology and Management.

Additional information can be found at http://www.nmfw.org/2005_Meeting/index.htm, 2005 Meeting.

Hazardous Waste Manifesting/DOT Initial Certification Course. This 36-hour course (Control Number – 223) provides initial training regarding regulatory requirements of the Hazardous Materials Transportation Act (HMTA) and the Resource Conservation and Recovery Act (RCRA) as it applies to the generation, transportation, and disposal of hazmat, focusing upon hazardous waste. It enables employers to certify as required by 49 CFR 172 Subpart H, that their employees have been trained and tested in general awareness and function-specific elements. In addition, this is an ISEERB approved and DoD approved course as per DoD 4500.9-R. (Note: Certain RCRA and safety related training elements required by 49 CFR 172 Subpart H and 40 CFR 265.16 are typically site-specific and must be performed on the job.) The course will be held on **14-18 March 2005** in **Phoenix, Arizona**. To register, contact the USACE Registrar at (256) 895-7425 or 7421 or log-on at <http://pdsc.usace.army.mil/>.

Hazardous Waste Manifesting/DOT Re-Certification Course. This 36-hour course (Control Number – 429) provides recurrent training regarding regulatory requirements of the Hazardous Materials Transportation Act (HMTA) and the Resource Conservation and Recovery Act (RCRA) as it applies to the generation, transportation, and disposal of hazmat, focusing upon hazardous waste. It enables employers to certify as required by 49 CFR 172 Subpart H, that their employees have been trained and tested in general awareness and function-specific elements. In addition, this is an ISEERB approved and DoD approved course as per DoD 4500.9-R. (Note: Certain RCRA and safety related training elements required by 49 CFR 172 Subpart H and 40 CFR 265.16 are typically site-specific and must be performed on the job.) The course will be held on **17-18 March 2005** in **Phoenix, Arizona**. To register, contact the USACE Registrar at (256) 895-7425 or 7421 or log-on at <http://pdsc.usace.army.mil/>.

Introductory Risk Communication Workshop. The CHPPM is presenting this workshop to provide participants with a basic understanding of the concepts, principles and process of effective risk communication planning. The workshop provides participants with an understanding of essential communication skills and tools for building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. The workshop is scheduled for **29-31 March 2005** in **Edgewood, Maryland**. For more information, please go to <http://chppm-www.apgea.army.mil/risk>, click "Training," and then scroll to "Introductory and Advanced Health Risk Communication Workshops."

Introduction to Cultural Resources Management – Laws & Regulations Course. This three-day course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Interservice Environmental Education Review Board (ISEERB). Sponsor for this course is the Navy Federal Preservation Officer. (24 hours – class finishes 1630 hrs each day) This Course is ACHP recognized. This is an ISEERB approved course. The course is scheduled for **15-17 March 2005** in **San Diego, California**, and **17-19 August 2005** in **Seattle, Washington**. For more information or to register, please visit <https://www.cecos.navy.mil>.

Historic Preservation Law and Section 106 Compliance Course. This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. (24 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. This Course is ACHP recognized. The course

is scheduled for **19-21 April 2005** in **Washington, DC** and **19-21 September 2005** in **Great Lakes, Illinois**. For more information or to register, please visit <https://www.cecocos.navy.mil>.

Symposium & Workshop on Threatened, Endangered, and At-Risk Species on DoD and Adjacent Lands. The goal of this Symposium & Workshop is to define and evaluate threatened, endangered, and at-risk species (TER-S) research relevant to DoD. Researchers from multiple organizations will assemble to address TER-S issues at a national level. The format of the event is designed to:

- present the most up-to-date information on government and academic TER-S research relevant to DoD;
- stimulate collaboration and foster partnerships among participants; and
- identify additional areas of research needed to address TER-S and associated habitat issues facing DoD and other federal land managing agencies.

The Symposium & Workshop on Threatened, Endangered, and At-Risk Species on DoD and Adjacent Lands will open with a plenary session describing DoD's perspectives and those of the TER-S research community. A comprehensive technical program will follow the plenary session and will consist of nine sessions to address desert, forest, and grassland ecosystem issues. The Threatened and Endangered Species Workshop has been scheduled for **7-9 June 2005** in Baltimore, Maryland. For more information or to register on-line, please go to <http://www.serdp.org/TESWorkshop>.

Natural Resources Compliance Course. This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. The course addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. (32 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. The course is scheduled for 21-24 June in Silverdale, Washington. For more information to register, please visit <https://www.cecocos.navy.mil>.

14th Annual ITAM Workshop. In accordance with the FY05 ITAM Workshop Memo, DAMO-TRS has chosen Camp Atterbury and ERDC as hosts for the FY05 ITAM Workshop. The 2005 ITAM Workshop will be held from **1 - 4 August 2005** in **Indianapolis, Indiana**. Please go to <http://srp.army.mil/public/home.jsp> to keep abreast of additional details regarding this important workshop.

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CONFERENCES AND SYMPOSIUMS

Environmental Regulatory Compliance Conference. This conference is sponsored by the City of Alexandria (LA), the Louisiana Municipal Association, Louisiana Department of Health & Hospitals and the Louisiana Department of Environmental Quality and will feature Regulatory Enforcement, Wetlands, Stormwater Management, Permitting, Brownfields, and Water/Wastewater Issues. The conference will be held in **Alexandria, Louisiana** on **16-17 February 2005**. For registration and additional information, please go to <http://www.deq.louisiana.gov/notices/erc.pdf>.

27th Annual Conference On The Environment. The Louisiana Department of Environmental Quality's 27th Annual Conference on the Environment is scheduled for **2-4 March 2005**, at the Cajundome Convention Center in **Lafayette, Louisiana**. This conference is an opportunity for environmental managers, consultants, regulatory officials, industry representatives, and interested citizens to exchange ideas on current environmental issues and future technologies. For additional information or to register, please go to <http://www.deq.louisiana.gov/conference/>.

The 13th Annual On-Site Wastewater Treatment Research Council Conference. This conference has been designed to provide information about on-site wastewater treatment and disposal systems, installation practices, soils, Texas rules and regulations, and enforcement issues. The conference will be held on **8-9 March 2005** at the Waco Convention Center, **Waco, Texas**. For additional information or to register, please go to <http://www.tnrcc.state.tx.us/admin/events/05-03wastewater.pdf>.

Water and the Future of Kansas Conference. The purpose of this conference is to inform all concerned about the status of water in Kansas and to provide an opportunity to interact with others who share an interest,

responsibility, or concern for water. Program highlights include Plenary Sessions, Issue Forums and Panel Discussions, and Poster Sessions. The conference is scheduled for **17 March 2005** in **Topeka, Kansas**. For additional information, please go to <http://www.dce.ksu.edu/dce/conf/waterfuture/topics.html>.

National Environmental Partnership Summit. The 2005 National Environmental Partnership Summit is a four-day program focused on sharing innovations in pollution prevention, compliance assistance and environmental leadership. The Summit will take place on **11-14 April 2005** in **Chicago, Illinois**. The Summit will merge the annual meetings of the National Pollution Prevention Roundtable, the Compliance Assistance Providers' Forum and the Performance Track Participants' Association. In addition, The Summit planning team would like to diversify the formats for this conference. The team is planning to have some classic panel presentations with individual papers woven together thematically, but they are also interested in hearing from interested parties who would like to suggest and facilitate a dialogue, plan a results-focused work session or custom design an entire 90 minute session with their own hand-picked speakers. To learn more, please go to <http://www.environmentalsummit.org/IntroductionCallforContent.cfm>.

2005 Joint Services Environmental Management Conference and Exposition. The 2005 Conference will combine two major events - the Joint Services Environmental Management Conference (JSEM) and NDIA's Environment & Energy Divisions Annual Symposium. This combined Conference is designed to support and enhance environmental programs within the Department of Defense and other Federal Agencies. By combining the resources of these previously separate Conferences, the conference organizers hope to achieve results and benefits in efficiency to both DoD and Industry participants. In addition, it will offer an unprecedented level of policy discourse and an extensive discussion of technical issues. The conference will be held in **Tampa, Florida** on **11-14 April 2005**. For more information on this conference, please go to <http://register.ndia.org/interview/register.ndia?~Brochure~5440> or call (703) 247-2587.

Associated Industries of Missouri 2005 Midwest Region Environmental Symposium. This meeting will take place in **Kansas City, Missouri** on **25-27 April 2005**. Details regarding the conference can be obtained at <http://www.aimo.com> or by calling (573) 634-2246.

Texas Commission on Environmental Quality (TCEQ) Environmental Trade Fair and Conference (ETFC). The TCEQ Environmental Trade Fair and Conference (ETFC) will be held in the Convention Center in **Austin, Texas** on **2-4 May 2005**. Attendees will:

- learn how to reduce environmental impacts and save money;
- find out how to receive regulatory relief and other incentives from TCEQ;
- hear success stories about performance-based EMSs and innovative programs; and
- network and gain ideas on developing community partnerships.

For additional information, please go to <http://www.tnrcc.state.tx.us/exec/sbea/etf/etf.html>.

Second Conference on Sustainable Range Management. Planning is underway for the Second Conference on Sustainable Range Management, to be held in **San Antonio, Texas** on **15-18 August 2005**. The Conference is designed to facilitate exchange of information among all stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapon systems and train DoD personnel without conflicting with economic, environmental, and other concerns. The technical program will consider the many issues including operational range management, urban encroachment, frequency and airspace competition, munitions constituents and UXO, protection of endangered species, protection of air quality, sustainability of the maritime environment, noise abatement, and outreach. For additional information, please go to <http://www.rangecon.org/>.

Region 7 Local Emergency Planning Committee 9 (LEPC) and Tribal Emergency Response Commission Conference (TERC). The conference brings the latest information about hazardous materials, emergency planning and environment. The 2005 conference will also feature a session devoted to health and medical issues. The speakers will address issues of interest to health providers as well as first responders. The Local Emergency Planning Committee (LEPC)/Tribal Emergency Response Commission (TERC) is the main source for information about hazardous materials, emergency planning and environmental risks in the community. EPA and FEMA, in conjunction with private industry, tribal, state and local governments have developed the conference to help LEPCs/TERCs conduct their jobs safely and more effectively. As an exhibitor, you can get your message directly to

the personnel responsible for protection of local communities. The meeting will be held on 17-18 August 2005 in Kansas City, Missouri. For additional details, please go to <http://www.marc.org/gti/lepc-terc.htm>.

AWMA Workshop: Understanding the Changing World of New Source Review (NSR). The world of NSR is one of the most complex and ever changing issues today. To understand these changes, the workshop will endeavor to show where each version of the rule applies; explain the basics of the major NSR permit requirements (BACT, LAER, etc.); discuss the applicability criteria for each version of the rule, allowing you to determine whether major NSR applies to a project; update you on the latest enforcement initiatives, settlement agreements, and court decisions; and provide an idea of what's in store for NSR rules and programs in the near future. The workshop will be held in **New Orleans, Louisiana** on **8-9 September 2005**. For additional information, please go to <http://www.awma.org/events/workshops/NSR04/default.asp>.

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Acronyms and Abbreviations The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management
ADEQ = Arkansas Department of Environmental Quality
AEA = Atomic Energy Act of 1954
AEDB = Army Environmental Database
AFCEE = U.S. Air Force Center for Environmental Excellence
AFIT = Air Force Institute of Technology
AIMO = Associated Industries of Missouri
ANPR = Advance Notice of Proposed Rulemaking
ANSI = American National Standards Institute
APA = American Planning Association
APC&EC = Arkansas Pollution Control and Ecology Commission
AQCR = Air Quality Control Region
AQI = Air Quality Index
AST = aboveground storage tank
ASTM = American Society for Testing and Materials
ASTSWMO = Association of State and Territorial Solid Waste Management Officials
ATV = all-terrain vehicle
AWMA = Air & Waste Management Association
BAT = best available technology
BIA = Bureau of Indian Affairs
BOR = Bureau of reclamation
BRAC = Base Realignment and Closure
CAA = Clean Air Act
CADD = computer-aided design and drafting
CAM = compliance assurance monitoring
CAMU = corrective action management unit
CARB = California Air Resources Board
CBT = computer-based training
CCAR = Coordinating Committee for Automotive Repair
CCP = Comprehensive Conservation Plan
C&D = construction and demolition
CECOS = Civil Engineer Corps Officers
CEPPO = Chemical Emergency Preparedness and Prevention Office
CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
CESQG = conditionally exempt small-quantity generator
CFC = chlorofluorocarbon
CFR = Code of Federal Regulations
CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine
CINWL = commercial industrial nonhazardous waste landfill
CISWI = commercial and industrial solid waste incinerator
CO = carbon monoxide

CREO = Central Regional Environmental Office
CSR = Code of State Regulations
CTIC = Conservation Technology Information Center
CTT = closing, transferring and transferred ranges
CWA = Clean Water Act
DAC = Defense Ammunition Center
DBP = disinfection byproduct
DBPR = Disinfectants and Disinfection Byproducts Rule
DEI = Directorate of Environmental Integration
DENIX = Defense Environmental Network & Information eXchange
DERP = Defense Environmental Restoration Program
DFW = Dallas/Fort Worth
DNT = dinitrotoluene
DoD = U.S. Department of Defense
DOE = U.S. Department of Energy
DOI = U.S. Department of Interior
DOT = U.S. Department of Transportation
DRMS = Defense Reutilization and Marketing Service
DSMOA = Defense/State Memorandum of Agreement
EA = environmental assessment
ECAS = Environmental Compliance Assessment System
ECHO = Enforcement and Compliance History Online
ECOS = Environmental Council of the States
ECSR = Environmental Compliance Status Report
EIS = environmental impact statement
EMR = environmental management review
EMS = environmental management system
EO = executive order
EPA = U.S. Environmental Protection Agency
EPAS = Environmental Performance Assessment System
EPCRA = Emergency Planning and Community Right-to-Know Act
ER = environmental restoration
ERC = Emission Reduction Credit
ERTP = Environmental Response Training Program
ETMD = Environmental Training and Management Division
EVR = Enhanced Vapor Recovery
FAA = Federal Aviation Administration
FEIS = Final Environmental Impact Statement
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act
FFEO = Federal Facilities Enforcement Office
FM = facilities management
FR = Federal Register
FS = Feasibility Study
FUDS = Formerly Used Defense Sites
FY = fiscal year
GAO = General Accounting Office
GCP = general construction permit
GIS = geographic information system
gpd = gallons per day
GSA = General Services Administration
HAP = hazardous air pollutant
HAZMAT = hazardous materials
HAZWOPER = Hazardous Waste Operations and Emergency Response
HB = House Bill
HGA = Houston/Galveston Area
HJR = House Joint Resolution
HM = hazardous material
HMIRS = Hazardous Materials Information Resource System
HMIWI = hospital/medical/infectious waste incinerator
HMX = high melting point explosive

HQ = headquarters
HRVOC = highly-reactive volatile organic compounds
HSB = House Study Bill
HTRW = hazardous/toxic and radioactive waste
IAC = Iowa Administrative Code
IBR = Incorporated By Reference
IDNR = Iowa Department of Natural Resources
IESWTR = Interim Enhanced Surface Water Treatment Rule
I&M = inspection and maintenance
IMI = Installation Management Institute
INSTEP = International Society of Technical and Environmental Professionals
ISEERB = Interservice Environmental Education Review Board
ISO = International Organization for Standardization
ISR = Installation Status Report
ITAM = Integrated Training Area Management
ITRC = Interstate Technology Regulatory Council
JRTC = Joint Readiness Training Center
KAR = Kansas Administrative Rules
KCMA = Kansas City Metropolitan Area
KDA = Kansas Department of Agriculture
KDHE = Kansas Department of Health and Environment
kW = kilowatt
LAC = Louisiana Administrative Code
LAMW = low-activity mixed waste
LANL = Los Alamos National Laboratory
LB = legislative bill
LDEQ = Louisiana Department of Environmental Quality
LDR = land disposal restriction
LLRW = low level radioactive waste
LPDES = Louisiana Pollutant Discharge Elimination System
LPST = leaking petroleum storage tank
LQG = large quantity generator
LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule
LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule
LUC = land use control
LUST = leaking underground storage tank
MACT = maximum achievable control technology
MCL = maximum contaminant level
MCLG = maximum contaminant level goal
MDNR = Missouri Department of Natural Resources
MDS = minimum desirable streamflow
MSDS = Material Safety Data Sheet
MEG = Military Environmental Group
MEK = methyl ethyl ketone
mg/L = milligram per liter
mg/yr = megagrams per year
MMR = Military Munitions Rule
mph = mile per hour
MP&M = metal products and machinery
M2R = Military Munitions Rule
mrem = millirem
mrem/yr = millirem per year
MRDLGs = maximum residual disinfectant level goals
MS4 = municipal separate storm sewer system
MSDS = material safety data sheet
MSWG = Multi-State Working Group
MSWLF = municipal solid waste landfill
MSWTS = municipal solid waste transfer station
MTBE = methyl tertiary butyl ether
MVECP = Motor Vehicle and Engine Compliance Program

MVEB = Motor Vehicle Emission Budget
 MWC = municipal waste combustion
 NAAQS = National Ambient Air Quality Standard
 NAICS = North American Industry Classification System
 NDEQ = Nebraska Department of Environmental Quality
 NDIA = National Defense Industrial Association
 NEPA = National Environmental Policy Act
 NESHAP = National Emission Standards for Hazardous Air Pollutants
 NFPA = National Fire Protection Association
 NGWA = National Ground Water Association
 NHPA = National Historic Preservation Act
 NMAC = New Mexico Administrative Code
 NMED = New Mexico Environment Department
 NO_x = nitrogen oxides
 NORM = naturally occurring radioactive material
 NPDES = National Pollutant Discharge Elimination System
 NRC = Nuclear Regulatory Commission
 NREO = Northern Regional Environmental Office
 NREP = National Registry of Environmental Professionals
 NSP = new source performance
 NSR = new source review
 OAC = Oklahoma Administrative Code
 ODEQ = Oklahoma Department of Environmental Quality
 OE = ordnance and explosives
 OFR = Office of the Federal Register
 OMB = Office of Management and Budget
 OMEG = Oklahoma Military Environmental Group
 ORVR = onboard refueling vapor recovery
 OSHA = Occupational Safety and Health Administration
 OSPRA = Oil Spill Prevention and Response Act
 OSSF = on-site sewage facility
 OSWER = Office of Solid Waste and Emergency Response
 P2 = pollution prevention
 PASS = Permit Application Software System
 PAL = plant-wide applicability limitation
 PBR = permit by rule
 PBT = persistent bioaccumulative toxin
 PCB = polychlorinated biphenyl
 pCi/L = picocurie per liter
 PEMS = Predictive Emission Monitoring Systems
 PER = Permitting for Environmental Results
 P.L. = public law
 PM = particulate matter
 PM_{2.5} = Fine Particulate Matter with a diameter smaller than 2.5 microns
 POC = point of contact
 POM = Program Objective Memorandum
 POTW = publicly owned treatment works
 ppb = part per billion
 ppm = part per million
 PRP = potentially responsible party
 PSD = prevention of significant deterioration
 PST = petroleum storage tank
 PSTTF = Petroleum Storage Tank Trust Fund
 PTE = potential to emit
 PWS = public water system
 RACM = reasonably available control measures
 RACT = reasonably available control technology
 RCRA = Resource Conservation and Recovery Act
 RDX = Royal Demolition eXplosive
 REC = Regional Environmental Coordinator

REGFORM = Regulatory Environmental Group for Missouri
RFG = reformulated gasoline
RI = remedial investigation
RICE = reciprocating internal combustion engine
ROD = record of decision
SAME = Society of American Military Engineers
SB = Senate Bill
SDWA = Safe Drinking Water Act
SDWIS = Safe Drinking Water Information System
SERDP = Strategic Environmental Research and Development Program
SIC = Standard Industrial Classification
SIP = State Implementation Plan
SM = Senate Measure
SO₂ = Sulfur dioxide
SPCC = Spill Prevention, Control, and Countermeasure
SQG = small quantity generator
SREO = Southern Regional Environmental Office
TAC = Texas Administrative Code
TBD = to be determined
TCEQ = Texas Commission on Environment Quality
TCM = transportation control measure
TDS = total dissolved solids
TEFs = Toxicity equivalency factors (related to dioxins)
TEQ = Toxicity equivalency (related to dioxins)
TERP = Texas Emissions Reduction Plan
TIM = Transformation of Installation Management
TMDL = total maximum daily load
TPDES = Texas Pollutant Discharge Elimination System
TRI = Toxics Release Inventory
TRI-DDS = Toxics Release Inventory – Data Delivery System
TRRP = Texas Risk Reduction Program
TSCA = Toxic Substances Control Act
TSP= Total Suspended Particulate
tpy = tons per year
TNT = trinitrotoluene
TXEP = Texas Environmental Partnership
UIC = underground injection control
USACE = U.S. Army Corps of Engineers
USAEC = U.S. Army Environmental Center
U.S.C. = United States Code
USFWS = U.S. Fish and Wildlife Service
USGS = U.S. Geological Survey
UST = underground storage tank
UXO = unexploded ordnance
VOC = volatile organic compound
WET = whole effluent toxicity
WMM = waste military munitions
WQBEL = water quality-based effluent limit
WQMP = Water Quality Management Plan
WREO = Western Regional Environmental Office
ug/L = microgram per liter